

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re: Anthony V. Leonardo and Martina L. Leonardo



Order Filed on July 9, 2019 by  
Clerk U.S. Bankruptcy Court  
District of New Jersey

Case Number: 18- 15298 JNP

Hearing Date:

Judge: Jerrold N. Poslusny

**AMENDED ORDER GRANTING APPLICATION TO AUTHORIZE LOAN MODIFICATION  
AND FOR OTHER RELIEF**

The relief set forth on the following page two (2) is hereby **ORDERED**.

**DATED: July 9, 2019**

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

**THIS MATTER** having been opened to the Court upon motion requesting the entry of an Order approving a loan modification agreement between the Debtor(s) and Midland Mortgage (“Creditor”) Doc. No. \_\_\_\_\_ (the “Motion”) and no objections have been filed, and sufficient cause shown,

It is hereby **ORDERED** that:

1. The Motion is hereby granted and the Debtor is permitted to enter into the loan modification agreement with Creditor attached as an Exhibit to the Motion (the “Agreement”);
2. The Mortgage secured by real property owned by the Debtor as identified in the Agreement is hereby modified in accordance with the terms set forth in the Agreement.
3. The Chapter 13 trustee shall suspend disbursement to Creditor pending completion of the loan modification as set forth in the Agreement and all money that would otherwise be paid to Creditor, be held until the arrearage portion of the claim is amended to reflect the terms of the loan modification, with the understanding that the amended claim may include fees and costs not included in the modification; or the claim is withdrawn; or the Trustee is notified by the Creditor that the modification was not consummated;
4. If post-petition arrears are capitalized into the loan modification, the Creditor shall file an amended post-petition claim within thirty (30) days of the date the loan modification is finalized, that is, after all necessary parties have executed the modification document. Upon receipt of an amended post-petition claim, the Trustee may disburse the funds being reserved pursuant to this order to the creditors in accordance with provisions of the confirmed plan;
5. The Creditor shall notify the Trustee and Debtor’s attorney in the event the modification is not consummated. Any money that was held by the Trustee for the Creditor pursuant to a timely proof of claim pending completion of the modification shall be paid to the Creditor;
6. Debtor shall file an Amended Scheduled J and Modified Plan within twenty (20) days of finalization of the loan modification, which is anticipated to be completed no earlier than December, 2019;
7. Communication and/or negotiations between Debtor and mortgagees/mortgage services about loan modification shall not be deemed as violations of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation.
8. The Debtors shall provide the Trustee with a fully executed copy of the Agreement upon completion.